

Senate File 2279 - Introduced

SENATE FILE 2279

BY RAGAN

A BILL FOR

1 An Act relating to the placement of a child in detention and
2 the juvenile detention home fund, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.22, subsection 5, paragraph a,
2 subparagraph (1), Code 2020, is amended to read as follows:

3 (1) The facility serves a geographic area outside a standard
4 metropolitan statistical area as determined by the United
5 States ~~census bureau~~ office of management and budget.

6 Sec. 2. Section 232.22, subsection 7, Code 2020, is amended
7 to read as follows:

8 7. a. If the court has waived its jurisdiction over the
9 ~~child for the alleged commission of a forcible felony offense~~
10 pursuant to section 232.45 or 232.45A a child age sixteen years
11 or older is excluded from the jurisdiction of the juvenile
12 court pursuant to section 232.8, subsection 1, paragraph "c",
13 who is awaiting trial or other legal process, and for whom
14 there is a serious risk that the child may commit an act which
15 would inflict serious bodily harm on another person, the child
16 may be held in the county jail, notwithstanding section 356.3.
17 However, wherever possible the child shall be held in sight and
18 sound separation from adult offenders. A child held in the
19 county jail under this subsection shall have all the rights of
20 adult postarrest or pretrial detainees. A child shall not be
21 detained in any facility intended for the detention of adults
22 unless the court determines that after a hearing and issuing
23 written findings, such detention is in the best interest of the
24 child and the community. In determining whether it is in the
25 best interest of the child and the community to permit a child
26 to be detained in a facility intended for the detention of
27 adults, the court shall consider all of the following:

28 (1) The age of the child, including the child's physical and
29 mental maturity.

30 (2) The present mental state of the child, including whether
31 the child presents an imminent risk of harm to the child's
32 self.

33 (3) The nature and circumstances of the alleged offense.

34 (4) The child's history of prior delinquent acts.

35 (5) The relative ability of available adult and juvenile

1 detention facilities to not only meet the specific needs of the
2 child but also to protect the safety of the public as well as
3 other detained children.

4 (6) Any other relevant factor.

5 b. If a court determines pursuant to paragraph "a" that
6 it is in the best interest of the child and the community to
7 permit a child to be detained in a facility intended for the
8 detention of adults, the following conditions shall apply:

9 (1) The child shall not have sight or sound contact with
10 adult inmates.

11 (2) The court shall hold a hearing, not less than once
12 every thirty days, or in the case of a rural, nonmetropolitan
13 jurisdiction as determined by the United States office of
14 management and budget, not less than once every forty-five
15 days, to review whether it is still in the best interest of the
16 child and the community to permit a child to be detained in a
17 facility intended for the detention of adults.

18 (3) The child shall not be detained in a facility intended
19 for the detention of adults for more than one hundred eighty
20 days unless the court, in writing, determines there is good
21 cause for an extension or the child expressly waives this
22 limitation.

23 (4) A child held in a county jail in a facility intended for
24 the detention of adults under this subsection shall have all
25 the rights of adult postarrest or pretrial detainees.

26 Sec. 3. Section 232.142, subsections 3 and 6, Code 2020, are
27 amended to read as follows:

28 3. A county or multicounty juvenile detention home approved
29 pursuant to [this section](#) shall receive financial aid from the
30 state in a manner approved by the director of the department
31 of human rights. Aid paid by the state shall be at least ten
32 percent and not more than fifty percent of the total cost of
33 the establishment, improvements, operation, and maintenance of
34 the home.

35 6. A juvenile detention home fund is created in the state

1 treasury under the authority of the criminal and juvenile
2 justice planning division of the department of human rights.

3 The fund shall consist of moneys deposited in the fund pursuant
4 to [sections 321.218A](#) and [321A.32A](#). The moneys in the fund
5 shall be used for the costs of the establishment, improvement,
6 operation, and maintenance of county or multicounty juvenile
7 detention homes in accordance with annual appropriations made
8 by the general assembly from the fund for these purposes.

9 Sec. 4. JUVENILE DETENTION HOME FUND — TRANSFER OF
10 ADMINISTRATION. Moneys deposited in the juvenile detention
11 home fund created in section 232.142 during the fiscal
12 year beginning July 1, 2020, and ending June 30, 2021, are
13 appropriated to the criminal and juvenile justice planning
14 division of the department of human rights for the fiscal
15 year beginning July 1, 2020, and ending June 30, 2021, for
16 distribution as follows:

17 1. One hundred thousand dollars to each eligible county or
18 multicounty juvenile detention home.

19 2. Any remaining funds shall be distributed in an amount
20 equal to a percentage of the costs of the establishment,
21 improvement, operation, and maintenance of county or
22 multicounty juvenile detention homes in the fiscal year
23 beginning July 1, 2019. Moneys appropriated for distribution
24 in accordance with this section shall be allocated among
25 eligible juvenile detention homes, prorated on the basis of
26 an eligible juvenile detention home's proportion of the costs
27 of all eligible detention homes in the fiscal year beginning
28 July 1, 2019. The percentage figure shall be determined by the
29 department based on the amount available for distribution for
30 the fund. Notwithstanding section 232.142, subsection 3, the
31 financial aid payable by the state under that provision for the
32 fiscal year beginning July 1, 2020, shall be limited to the
33 amount appropriated for the purposes of this section.

34 Sec. 5. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
35 — DEPARTMENT OF HUMAN RIGHTS — APPROPRIATION. There is

1 appropriated from the general fund of the state to the criminal
2 and juvenile justice planning division of the department of
3 human rights for the fiscal year beginning July 1, 2020, and
4 ending June 30, 2021, the following amount, or so much thereof
5 as is necessary, to be used for the purpose designated:

6 For the management and administration of the juvenile
7 detention home fund created in section 232.142:

8 \$ 20,000

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the placement of a child (person under
13 the age of 18) in detention and the juvenile detention home
14 fund, and makes appropriations.

15 The bill provides that if the court has waived its
16 jurisdiction over a child pursuant to Code section 232.45 or
17 a child age 16 or older is excluded from the jurisdiction of
18 the juvenile court for offenses that involve the manufacture,
19 delivery, or possession of controlled substances while in the
20 immediate possession or control of a firearm or offensive
21 weapon; gang activity involving firearms or offensive weapons;
22 felonious possession of an offensive weapon; or any forcible
23 felony, and who is awaiting trial or other legal process,
24 and there is a serious risk that the child may commit an act
25 which would inflict serious bodily harm on another person,
26 the child may be held in the county jail. However, wherever
27 possible, the child shall be held in sight and sound separation
28 from adult offenders. A child shall not be detained in any
29 facility intended for the detention of adults unless the court
30 determines that after a hearing and issuing written findings
31 it is in the best interest of the child and the community.
32 The court shall consider the age of the child, including the
33 child's physical and mental maturity; the present mental state
34 of the child, including whether the child presents an imminent
35 risk of harm to the child's self; the nature and circumstances

1 of the alleged offense; the child's history of prior delinquent
2 acts; the relative ability of available adult and juvenile
3 detention facilities to not only meet the specific needs of the
4 child but also to protect the safety of the public as well as
5 other detained children; and any other relevant factor.

6 The bill provides that if a court determines that it is in
7 the best interest of the child and the community to permit a
8 child to be detained in a facility intended for the detention
9 of adults, the following conditions shall apply: the child
10 shall not have sight or sound contact with adult inmates; the
11 court shall hold a hearing not less than once every 30 days,
12 or in the case of a rural, nonmetropolitan jurisdiction, not
13 less than once every 45 days, to review whether it is still in
14 the best interest of the child and the community to permit a
15 child to be detained in a facility intended for the detention
16 of adults; the child shall not be detained in a facility
17 intended for the detention of adults for more than 180 days
18 unless the court, in writing, determines there is good cause
19 for an extension or the child expressly waives this limitation;
20 and a child held in a county jail in a facility intended for
21 the detention of adults shall have all the rights of adult
22 postarrest or pretrial detainees.

23 The bill transfers the management and administration of the
24 juvenile detention home fund created in Code section 232.142
25 from the department of human services to the criminal and
26 juvenile justice planning division of the department of human
27 rights, and provides that a juvenile detention home shall
28 receive financial aid from the state in a manner approved by
29 the director of the department of human rights.

30 The bill appropriates moneys from the general fund of the
31 state for fiscal year 2020-2021 to the criminal and juvenile
32 justice planning division of the department of human rights for
33 the management and administration of the juvenile detention
34 home fund.